

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
HELENE B. LEBREW,

Plaintiff,

-against-

MTA NEW YORK CITY TRANSIT,  
MANHATTAN,

Defendant.

-----X  
NICHOLAS G. GARAUFIS, United States District Judge:

**MEMORANDUM & ORDER**

**08-CV-2045 (NGG) (LB)**

On November 10, 2008, Magistrate Judge Lois Bloom issued a Report and Recommendation (“R&R”) recommending that Plaintiff’s pro se employment discrimination action be dismissed. (Docket Entry #13.) Plaintiff failed to appear at two Rule 16 conferences and has failed to contact the court or defendants’ counsel. (R&R 1.) Judge Bloom issued an order on October 2, 2008, warning Plaintiff that her case would be dismissed pursuant to Rules 16(f) and 37(b)(2)(A)(v) of the Federal Rules of Civil Procedure if she failed to appear at the November 3, 2008 status conference; Plaintiff failed to appear. (Ord. Oct. 2, 2008 (Docket Entry #11); R&R 1.) Accordingly, Judge Bloom recommended that the case be dismissed. (R&R 3.) Plaintiff has made no objection to Judge Bloom’s R&R.

In reviewing a Report and Recommendation, this court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. §

636(b)(1)(C). In order to accept a magistrate judge's R&R where, as here, no timely objection has been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001); see also Pizarro v. Bartlett, 776 F. Supp. 815, 817 (S.D.N.Y. 1991) (noting that a district court may accept an R&R if it is "not facially erroneous"). Having reviewed the R&R, the court is satisfied that there is no clear error on the face of the record. Therefore, this court adopts Magistrate Judge Bloom's R&R and notes that, by her failure to object, Plaintiff has waived further review of this Order. See Mario v. P & C Food Mkts., Inc., 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision.").

The Clerk of Court is directed to close the case.

SO ORDERED.

Dated: Brooklyn, New York  
December 16, 2008

s/Nicholas G. Garaufis  
NICHOLAS G. GARAUFIS  
United States District Judge